



Town of Brewster Health Department

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LEACHING FACILITY SET BACK

- 1. Authority.** In accordance with Massachusetts General Laws, Chapter 111, Section 31 and 127A, the Brewster Board of Health hereby adopts the following regulation to supplement the provisions of the State Environmental Code, Title 5: Standard Requirements for the Siting, Construction, Inspection, Upgrade and Expansion of On-Site Sewage Treatment and Disposal Systems and for the Transport and Disposal of Septage (hereinafter, "Title 5"). These regulations shall take effect on September 1, 2006.
- 2. Purpose.** The purpose of this regulation is to provide a greater degree of protection to environmental and public health, to protect water quality, and implement the recommendations of the Federal Clean Lakes Program deemed necessary to eliminate the affects of septic system phosphorus on water bodies in Brewster.
- 3. Surface Waters.** Except as provided in Section 4 set forth below, all new and replacement leaching facilities of sewage disposal systems in Brewster shall be located and installed more than 100 feet from any Surface Water, as that term is defined in 310 CMR 15.002, including without limitation, rivers, streams, springs, reservoirs, impoundments, estuaries, wetlands, coastal waters and certified vernal pools.
- 4. Ponds and Lakes.** All new and replacement leaching facilities of sewage disposal systems in Brewster shall be located or installed more than 300 feet from all Ponds and Lakes, as those terms are defined by the Town of Brewster Wetland Protection Bylaws and Regulations.
- 5. Substandard Existing Systems.** All leaching facilities of existing sewage disposal systems within 100 feet of any Surface Water or 300 feet of a Pond or Lake shall be considered substandard at the time of Real Estate Transfer and upgrades in accordance with the Real Estate Transfer Regulation shall be required. If the setbacks required by this regulation cannot be attained due to lot configuration or other factors, the leaching component shall be located at a maximum feasible distance from the Surface Water, Pond or Lake, as determined by the Board of Health.
- 6. New Subdivisions.** New subdivisions shall be designed to accommodate the setback distances required under this regulation and no new lots shall be created unless and until it is demonstrated to the satisfaction of the Board of Health that development on each lot can accommodate the required setback distances. The "maximum feasible distance" provisions of Section 5 do not apply to new subdivisions.

Adopted: December 18, 1970

Amended: July 21, 1986

Adopted: May 23, 2006

Effective: September 1, 2006

Ed Wanamaker, Chairman

Raquel Ellis, Vice Chairman

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